

engineer, a fireman, conductor and brakeman; prohibiting any common carrier from running over its road or part of road outside of the yard limit, any motor car, passenger train, freight train, light engine, or self-propelled machine with less than a full crew of competent employees; requiring a crew of two persons on a motor car when carrying passengers only and three persons when carrying passengers and baggage, express or mail; requiring a full crew of four persons on a passenger train of more than one and less than five units and a crew of five persons for a passenger train with five or more units; requiring a full crew of five persons on freight trains with less than fifty cars, and a crew of six persons on a freight train with fifty or more cars; requiring a full crew of three persons on a light engine unless such engine comes within the term of a motor car permitting a crew of two persons; requiring a crew of two persons on all self-propelled machines using tracks in meeting and passing trains; exempting roads less than twenty miles in length; providing that the Act shall not apply in case of disability in any train crew on the road between terminals; providing a penalty for the violation of the Act, suit to recover penalty at the instance of the Attorney General or county or district attorney, and providing venue for said suit; repealing all laws in conflict and declaring an emergency."

Have have the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

PURL, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Feb. 27, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, a minority of your Committee on Labor, to whom was referred S. B. No. 131,

Have have the same under consideration, and beg leave to differ with the majority of the committee and report it back to the Senate with the recommendation that it do pass.

SMALL,
POAGE.

Committee Room,
Austin, Texas, Feb. 27, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 505, A bill to be entitled "An Act amending Section 1, Chapter 213, Acts of the Regular Session of the 42nd Legislature, and declaring an emergency."

Have have the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

FELLBAUM, Chairman.

THIRTY-THIRD DAY.

Senate Chamber,
Austin, Texas,
March 1, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Beck. Neal.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Woodward:

S. B. No. 346, A bill to be entitled "An Act to amend Chapter 45, H. B. 1002, enacted in the Regular Session of the Forty-second Legislature, which Act became effective April 9,

1931, to provide for the preparation of briefs in the Courts of Civil Appeals and in the Supreme Court, setting forth the basic elements to be embraced in such briefs and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Woodward (by request):

S. B. No. 347, A bill to be entitled "An Act amending Chapter 2, Title 128 of the Revised Civil Statutes of the State of Texas relating to water improvement districts by adding thereto an article to be known as 7714-A authorizing water improvement districts to complete, repair, extend and improve its system and in order to pay for such completion, repairs, extension and improvements, to borrow money and issue negotiable bonds or notes as permitted by this amendment and regulating the elections to be held for such purposes and for the levying of a tax for such purposes, and declaring an emergency."

Read and referred to Committee on Mining, Irrigation and Drainage.

By Senator Woodward:

S. B. No. 348, A bill to be entitled "An Act providing for evidence of handwriting by comparison and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Parr:

S. B. No. 349, A bill to be entitled "An Act prohibiting the use of seines, nets, trawls or the possession of seines, nets or trawls in certain tidal waters of Willacy County; prescribing a penalty for violation of any provision of this Act; repealing all laws in so far as they may conflict with any provisions of this Act; and declaring an emergency."

Read and referred to Committee on Game and Fish.

By Senator Collie:

S. B. No. 350, A bill to be entitled "An Act to amend Article 2889a of Subdivision 2 of Title 49, Revised Civil Statutes of the State of Texas, 1925, relating to Special Teacher's Certificates, and declaring an emergency."

Read and referred to Committee on Educational Affairs.

By Senator Collie:

S. B. No. 351, A bill to be entitled "An Act to amend Article 2888 of Subdivision 2 of Title 49, Revised Civil Statutes of the State of Texas, 1925, relating to College Certificates for Teachers, and declaring an emergency."

Read and referred to Committee on Educational Affairs.

By Senator Purl:

S. B. No. 352, A bill to be entitled "An Act amending Article 2968 of the Revised Civil Statutes of 1925 as amended by the Fifth Called Session of the Forty-first Legislature of the State of Texas so as to provide that certificates of exemption shall be obtained before the first day of February of any year in which the holder shall offer to vote, and declaring an emergency."

Read and referred to Committee on Privileges and Elections.

By Senators Redditt and Cousins:

S. B. No. 353, A bill to be entitled "An Act making more adequate provision for the giving of surety bonds in connection with all contracts with the State of Texas, or any of its counties, school districts, or other subdivisions of the State, or any municipality therein, or any incorporated body politic of the State of Texas, for the construction or repair of any public building or the prosecution and completion of any public work; and prescribing certain provisions of such bonds and defining rights arising thereunder and the method of enforcement thereof; providing for suit or suits on said bonds and fixing jurisdiction and venue of such suits; providing for recovery of interest and attorney's fees by claimants under certain conditions; and defining certain rights arising under contracts of re-insurance, co-insurance or indemnity issued to the surety; repealing Article 5160, Revised Statutes of 1925, as amended by the Acts of 1927, First Called Session, page 114, Chapter 39, Section 1, as amended by H. B. No. 478, Forty-first Legislature, Regular Session, published as Chapter 226, Section 1; repealing Articles 5161, 5162, 5163, 5164, Revised Statutes of 1925; and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Fellbaum:

S. B. No. 354, A bill to be entitled "An Act amending Title 12 of the Revised Criminal Statutes of Texas of 1925, of the Penal Code, by adding immediately after Article 698 a new section to be known as Article 698A, said new section prohibiting the construction or maintenance of cesspools, ditches or excavations of any character, used as or intended for use as receptacles for impure matter, within incorporated cities, or within a radius of ten miles around any such city; providing that cesspools, ditches or excavations less than ten feet deep be excepted; providing a punishment for violation of this Act; and defining who may be punished in case of violation of this Act by partnership, etc.; and declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

By Senator Moore:

S. B. No. 355, A bill to be entitled "An Act to amend Article 5561 of the Revised Civil Statutes of the State of Texas, 1925, as amended by the Acts of the Forty-first Legislature, passed at its First Called Session, and found in the published laws of said Session, Chapter 101, page 243 and 244, providing that officers in lunacy cases shall be allowed the same fees as are now allowed for similar services performed in misdemeanor cases and the jurors shall each be allowed a fee of \$1.00 (One Dollar), to be paid out of the estate of the defendant if he have an estate, otherwise by the county on accounts approved by the County Judge, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Woodward:

S. B. No. 356, A bill to be entitled "An Act to amend Article 824 Code of Criminal Procedure of the State of Texas so as to provide that when a penalty of death or life imprisonment has been assessed, and a defendant escapes pending appeal, the Court of Criminal Appeals may reinstate the appeal under certain conditions; providing that this Act shall take immediate effect and govern cases now pending and not finally disposed of in said Court, and declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

By Senator Moore:

S. B. No. 357, A bill to be entitled "An Act to permit the Commissioners Court of Rains County, Texas, to use all or any part of interest collected on notes held by said County of Rains against Rains County school land in Hockley County, Texas, to protect said property as to taxes and pay attorneys' fees, etc., in case of foreclosure; and declaring an emergency."

Read and referred to Committee on Counties and County Boundaries.

By Senator Moore (by request):

S. B. No. 358, A bill to be entitled "An Act amending Section 13, Chapter 88, Acts of 1929, General Laws, Forty-first Legislature of Texas, Second Called Session, page 172, providing that the Highway Department shall issue or cause to be issued license number plates for each motorcycle, road-tractor, trailer, semi-trailer and for any other vehicle registered under said Act, and describing how and where and when the license number plates shall be attached to said described vehicles; and providing that said license number plates shall be fastened by locking devices furnished by the State and that no other fastening or locking device shall be used; and declaring an emergency."

Read and referred to Committee on State Highways and Motor Traffic.

By Senator Murphy:

S. B. No. 359, A bill to be entitled "An Act to amend Article 261 of the Revised Civil Statutes of 1925 relating to assignments for the benefit of creditors; and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senators Hornsby and Beck:

S. B. No. 360, A bill to be entitled "An Act authorizing the Republic Bank & Trust Company of Austin, Texas, and the First National Bank of DeKalb, Texas, at DeKalb, Texas, as innocent purchasers of certain deficiency certificates issued by the Comptroller of the State of Texas, to sue the State of Texas on said deficiency certificates; defining 'innocent purchasers,' and procedure for said suits; and providing for the method and time of payment and appropriating funds out of which pay-

ment may be made; and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Small:

S. B. No. 361, A bill to be entitled "An Act authorizing W. B. Cross of Travis County, Texas, as innocent purchaser of certain deficiency certificates issued by the Comptroller of the State of Texas, to sue the State of Texas on said deficiency certificates; and providing that suit, or suits, may be maintained by said W. B. Cross for himself on said deficiency certificates now held by him and also by the said W. B. Cross for and on behalf of other holders of deficiency certificates issued by the Comptroller of the State of Texas and who are now holding the same as innocent purchasers and which were covered by appropriation made in H. B. 397, Chapter 108, Acts of the Regular Session of the Forty-second Legislature of the State of Texas; defining 'Innocent Purchasers,' and procedure for said suits; and providing for the methods and time of payment and appropriating funds out of which payment may be made; and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Woodruff:

S. B. No. 362, A bill to be entitled "An Act to authorize the issuance of a corrected letters patent in lieu of Letters Patent No. 521, Volume 33, issued November 14, 1876, to the Texas & Pacific Railroad Company, upon filing corrected field notes; to authorize cancellation of original Letters Patent No. 521, Volume 33; to quiet title to said land; and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

Senators Excused.

The following Senators were excused, on motion of Senator Pace:

Senator Beck, today, illness.

Senator Neal, for the week, important business.

Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

H. B. No. 505.

S. B. No. 89 Re-referred.

On motion of Senator Holbrook, S. B. No. 89 was withdrawn from the Committee on Finance and was re-referred to the Committee on Criminal Jurisprudence.

Committee Appointed.

The Chair announced the appointment of the following committee to investigate State park sites offered by Refugio County, as provided by S. S. R. No. 49:

Senators Blackert, Woodul and Stone.

Senate Bill No. 341.

The Chair laid before the Senate by unanimous consent, the following bill:

By Senator Woodul:

S. B. No. 341, A bill to be entitled "An Act to amend Article 2530, Chapter 1, Title 47, Revised Statutes, making further provision for the safekeeping of securities deposited with the State Depository Board, as collateral to secure deposits made by said Board, in State and/or reserve depositories, and authorizing said Board to rent safety deposit boxes in some bank or banks located in the City of Austin, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Woodul, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 341 was put on its third reading and final passage by the following vote:

Yeas—29.

Blackert.	Moore.
Collie.	Murphy.
Cousins.	Oneal.
DeBerry.	Pace.
Duggan.	Parr.
Fellbaum.	Patton.
Greer.	Poage.
Holbrook.	Purl.
Hopkins.	Rawlings.
Hornsby.	Redditt.
Martin.	Regan.

Russek.	Woodruff.
Sanderford.	Woodul.
Small.	Woodward.
Stone.	

Absent—Excused.

Beck.	Neal.
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Read third time and finally passed by the following vote:

Yeas—29.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Beck.	Neal.
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S. C. R. No. 24.

Senator Hornsby sent up the following resolution:

S. C. R. No. 24, A concurrent resolution "To provide for the greater use of granite in Federal construction."

Whereas, Texas is one of the greatest granite producing states of the Union and with a substantial number of our people dependent on this industry for employment; and

Whereas, Granite is generally and properly recognized as the most suitable material to insure the durability, dignity, and beauty of permanent public buildings; and

Whereas, It is apparent from the general use of Indiana limestone in recent Federal construction that it has been shown undue favor; and

Whereas, It is desirable that the benefits of Federal construction be distributed among the several states and not, to any substantial degree confined to any one state by the specification and purchase of a particular kind of stone such as Indiana limestone; therefore be it

Resolved, By the Senate of Texas with the House of Representatives concurring, That our United States

Senators and Congressmen from the State of Texas be, and they are hereby respectfully urged to initiate and support such measures as will, in their opinion, secure proper consideration for the use of granite in the construction of Federal buildings.

HORNSBY.

The resolution was read.

By unanimous consent the rule requiring resolutions to be referred was suspended.

The resolution was adopted.

S. C. R. No. 25.

Senator Hornsby sent up the following resolution:

S. C. R. No. 25, A concurrent resolution "Granting Raymond Canion the consent of the Legislature and the right to sue the State and Highway Department."

Whereas, In May, A. D. 1928, the State Highway Department entered into a contract with Raymond Canion for twenty and one-half (20½) miles of gravel surfacing on State Highway No. 49 in Marion County, job No. 155, C. S. A. P. No. 567; and

Whereas, On account of the alleged erroneous and fraudulent misrepresentation, rules and requirements enforced by the said State Highway Commission, its engineers, agents, and employees, the said Raymond Canion was required to do a great amount of extra work for which he was not made any allowance, and has never been paid the amount which he claims is due him on account of said contract; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the State Highway Commission of Texas be, and it is hereby authorized to make such settlement as the facts warrant, or in the alternative that said Raymond Canion be and he is hereby authorized to sue the said State Highway Department and the State of Texas in Travis County for the amount due him on his contract.

The present crowded condition of the calendar and the importance of the subject matter of this resolution create an emergency and imperative public necessity requiring the suspension of the constitutional rule that bills and resolutions be read on three several days be suspended, and said rule is hereby suspended, and

that this resolution shall be in force and effect from the date after its final passage, and it is so enacted.

HORNSBY.

Read and referred to Committee on Civil Jurisprudence.

House Bill No. 168.

The Chair laid before the Senate as pending business the following bill:

By Mr. Harman:

H. B. No. 168, A bill to be entitled "An Act making appropriations to pay salaries to judges, and the support and maintenance of the Judicial Department of the State Government for the two-year period beginning September 1, 1933, and ending August 31, 1935; and declaring an emergency."

The question recurred upon the pending Committee Amendment No. 2. The amendment was adopted.

Senator Small sent up the following amendment:

Amend the amendment to H. B. No. 168, line 50, page 1, by striking out the figures \$15,750.00 and add in lieu thereof the figures \$17,400.00.

SMALL.

The amendment was read.

Bills Re-referred.

On motion of Senator Hopkins S. B. Nos. 140 and 229 were withdrawn from the Committee on State Affairs and re-referred to the Committee on Game and Fish.

Ruling on Period for Introduction of Bills.

Upon inquiry by Senator Purl, the Chair, Lieutenant Governor Edgar E. Witt, held that the provision of the Senate rules concerning the number of days allowed for the introduction of bills during the Regular Session meant calendar days and not legislative days.

Adjournment.

On motion of Senator Hornsby, the Senate, by a unanimous rising vote, at 12:27 o'clock p. m., adjourned until 10 o'clock tomorrow morning out of respect to the memory of Hon. Thomas Watt Gregory.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, March 1, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 341 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, March 1, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. C. R. No. 12 (Granting J. W. Almond, Jr., permission to sue the State).

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, March 1, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 15 (Granting Col-Tex Refining Company permission to sue the State).

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, March 1, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 13 (Granting Central Supply Company, Inc., permission to sue the State).

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOPKINS, Chairman.

Committee Room,
Austin, Texas, March 1, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 15 (Granting Hugh Everett Carr permission to sue the State).

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOPKINS, Chairman.

Committee Room,
Austin, Texas, March 1, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 16, A concurrent resolution proposing to grant to Mrs. Agatha Harris, widow of Curtis M. Harris, deceased, permission to bring suit against the State of Texas to determine the damages, if any, suffered because of the death of Curtis M. Harris, her husband, while in the employment of the State Hospital at San Antonio.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOPKINS, Chairman.

Committee Room,
Austin, Texas, March 1, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 19, A concurrent resolution to grant S. G. Burnett and others right to sue the State of Texas, etc.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOPKINS, Chairman.

Committee Room,
Austin, Texas, March 1, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 25, A concurrent resolution granting permission to Cage

Brothers, a firm composed of J. F. Cage and T. C. Cage, or its assigns to bring suit against the State Highway Department of Texas to ascertain the amount, if any, due it as balance unpaid in connection with the contract on improvements on Highway No. 9, Job No. 149-A S. P. No. 886-B, Live Oak County, Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOPKINS, Chairman.

Committee Room,
Austin, Texas, March 1, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 26, A concurrent resolution granting permission to Huermann and Miller, a firm composed of William Huermann and J. A. Miller, or its assigns, to bring suit against the State Highway Department of Texas and the State of Texas to ascertain the amount, if any, due it as balance unpaid in connection with the contract of improvements on Highway No. —, Job No. 126-F, S. P. No. 931-F, Jim Wells County, Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOPKINS, Chairman.

Committee Room,
Austin, Texas, Feb. 28, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 47 (Tom Green County fish law).

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SMALL, Chariman.

Committee Room,
Austin, Texas, March 1, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 81 (Repayment of moneys to the State by officers).

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments and be printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, March 1, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 125 (Removal or damage to improvements on property).

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment and be printed.

SMALL, Chairman.

Committee Amendment.

Amend S. B. No. 125 by striking out all of Section 1 after the word "lien" at the beginning of line 22 and add in lieu thereof the following: "he shall upon conviction be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for any period of time not to exceed six months, or by both such fine and imprisonment."

Committee Room,

Austin, Texas, March 1, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 200 (Machine guns).

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment and be printed.

SMALL, Chairman.

Committee Amendment.

Amend S. B. No. 200 by striking out the words "rapidly, or" and "or semi-automatically" in Section 1 so that Section 1 may thereafter read as follows:

"Section 1. 'Machine Gun' applies to and includes a weapon of any description by whatever name known, loaded or unloaded, from which more than five shots or bullets may be automatically discharged from a magazine by a single functioning of the firing device."

Committee Room,

Austin, Texas, March 1, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 216 (Waiving right of trial by jury in felony cases less than capital offenses).

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments and be printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, Feb. 28, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 294, Relative to abolishing Harris County Criminal Court.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended, and be not printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, Feb. 28, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 296, Relative to dealings in drugs.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, March 1, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 266, A bill to be entitled "An Act authorizing any common school district, independent school district, consolidated independent school district, county line school district, consolidated county line school district or rural school district to hold an election for the purpose of the cancellation and revocation of any unsold school bonds, and providing that such election shall be ordered and held in the same form and manner provided for in voting such school bonds; providing for the cancellation and destruction of such unsold school bonds retired by reason of such election and the adjustment of existing tax levies and refund of any taxes levied and collected in anticipation of the sale of such school bonds; providing that nothing in this Act shall be construed as affecting or invalidating any bond election held, or bonds previously issued by any such school district; providing for the payment of expenses of holding such election, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HOPKINS, Chairman.

Committee Room,
Austin, Texas, March 1, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 218, A bill to be entitled "An Act to amend Article 1302 of the Revised Civil Statutes of Texas by adding thereto a subdivision to be known as No. 95 to read as follows: 'Corporations may be created for the purpose of constructing, maintaining and operating radio broadcasting equipment and stations and the charters of any corporation organized under the laws of the State of Texas now operating broadcasting equipment and stations in Texas may be amended to include the construction, maintenance and operation of radio broadcasting equipment and stations,' and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HOPKINS, Chairman.

Committee Room,
Austin, Texas, March 1, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 315, A bill to be entitled "An Act providing for the appointment of an official court reporter in and for each district court of Bexar County, either civil or criminal, by the judge of each district court of said county, either civil or criminal; providing that the salary of each of said official court reporters shall be fixed and determined by the judge so appointing such court reporter, and not otherwise; providing for the manner of payment of said salary and out of what fund; providing for transcript fees; declaring this Act to be a special act, notices thereof having been duly published and exhibited as required by law, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HOPKINS, Chairman.

Committee Room,
Austin, Texas, March 1, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 313, A bill to be entitled "An Act to amend Chapter 7 of Title Ninety (90) of the Revised Civil Statutes of 1925, by adding thereto an article to be known as Article 5502-A, providing that the proprietors of public garages shall have a special lien on all automobiles, motor trucks, busses and trailers placed with them for storage, care and safekeeping; and providing for enforcement of the lien, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HOPKINS, Chairman.

Committee Room,
Austin, Texas, Feb. 28, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 262, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all delinquent ad valorem and poll taxes that were delinquent on or before February 1, 1931, due the State, any county, special school district, school district, road district, levee improvement district, water improvement district and water control and improvement district, irrigation district and other defined subdivisions of the State. Also cities, towns and villages, provided said taxes are paid on or before September 1, 1933; and for the purpose of releasing the interest and penalties on all ad valorem and poll taxes that became delinquent after February 1, 1931, and prior to September 1, 1933, due the State any county, special school district, school district, road district, levee improvement district, water improvement district, and water control and improvement district, irrigation district and other defined subdivisions of the State. Also cities, towns and villages, provided said taxes are paid on or before December 1, 1933; and providing further that the provisions of this Act releasing interest and penalties shall not apply to cities, towns and villages unless and until the governing body thereof finds that unusual or excessive defaults in the payment of taxes has occurred, and that an extension of time for the payment of such delinquent ad valorem and poll taxes will promote and accelerate the collection thereof, whereupon such governing body by resolution or ordinance, evidencing such finding and recording the same shall have the authority to put in force and effect the provisions hereof as to such cities, towns, and villages; suspending all laws and parts of laws in conflict herewith during the term this Act is in force; and providing further that, if any section, clause, sentence, paragraph or part of the Act is adjudged to be invalid by any court of final or competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder of this Act; stating the policy of the Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, March 1, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 220, A bill to be entitled "An Act amending Section 1, Chapter 213, Acts of the Regular Session, Forty-second Legislature, Special Laws, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, March 1, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 245, A bill to be entitled "An Act to designate and fix the third day of November as 'Father of Texas Day' in memory of Stephen F. Austin, the real and true Father of Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, Feb. 28, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 171, A bill to be entitled "An Act to prohibit the purchase of motor vehicles by State officers or employees in all cases where no specific appropriation has been made authorizing the same; providing that the Comptroller be prohibited from issuing or paying any warrant in violation of this Act; limiting the price to be paid for any motor vehicle or automobile; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, March 1, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 137, A bill to be entitled "An Act to authorize and empower parties to make the State of Texas a defendant to causes of action affecting real estate for the purpose of determining priority of liens whenever it appears that the State has a recorded judgment lien or liens on such real estate where such judgment lien arose out of a judgment of forfeiture of a bail bond; providing for a method of procedure, and limiting the right of joinder to that particular class of cases enumerated; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, March 1, 1933

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

S. B. No. 118, A bill to be entitled "An Act to amend Article 514, Revised Civil Statutes, as amended Acts Forty-first Legislature, First Called Session, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

RUSSEK, Chairman.

Committee Room,

Austin, Texas, March 1, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

S. B. No. 114, A bill to be entitled "An Act to provide that transferrers for collection of negotiable instruments shall be preferred creditors of State Banks, and/or State Bank and Trust Companies, authorized to do business under the laws of the State of Texas in certain cases and repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

RUSSEK, Chairman.

Committee Room,

Austin, Texas, March 1, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

S. B. No. 341, A bill to be entitled "An Act to amend Article 2530, Chapter 1, Title 47, Revised Statutes, making further provision for the safekeeping of securities deposited with the State Depository Board, as collateral to secure deposits made by said Board, in State and/or reserve depositories and authorizing said Board to rent safety deposit boxes in some bank or banks located in the City of Austin, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RUSSEK, Chairman.

Committee Room,

Austin, Texas, March 1, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 356, A bill to be entitled "An Act to amend Art. 824 Code of Criminal Procedure of the State of Texas so as to provide that when a penalty of death or life imprisonment has been assessed and a defendant escapes pending appeal, the Court of Criminal Appeals may reinstate the appeal under certain conditions; providing that this Act shall take immediate effect and govern cases now pending and not finally disposed of in said Court, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, March 1, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 152, A bill to be entitled "An Act providing for supervisors in certain counties in lieu of teachers institutes; prescribing the du-

ties of said supervisors; providing for visits to schools of the county and work in cooperation with teachers; prescribing the qualifications for said supervisors; prescribing the salary of said supervisors and how it shall be paid; providing other things incidental to said purpose, etc; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the attached committee amendment.

GREER, Vice-Chairman.

Committee Amendment.

Amend S. B. No. 152 by inserting a new section after Section 7 to be numbered 7a, as follows:

Section 7a. No provision of this Act shall in any way be interpreted as applying to independent districts of more than 500 scholastics without a written agreement between the county board of trustees and the board of trustees of each independent district voluntarily participating in the provisions of this Act, as to the person, or persons, to be employed, the amount of supervision to be rendered by the supervisor, or supervisors, in each independent district participating, and the salary, traveling expenses, and term of office of said supervisor.

Committee Room,

Austin, Texas, March 1, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 310, A bill to be entitled "An Act exempting the employment of outside auditors by any independent school district having within its limits a city with a population of not less than 150,000 and not more than 210,000 according to the next preceding Federal census from all requirements in special or general laws to let such auditing contracts upon competitive bids and after advertising for such bids, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

GREER, Vice-Chairman.

Committee Room,

Austin, Texas, March 1, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 250, A bill to be entitled "An Act amending Article 2789 of the Revised Civil Statutes of Texas, 1925, authorizing the issuance of refunding bonds to refund bonds and matured interest coupons of common school districts, independent school districts, consolidated common school districts, consolidated independent school districts, county line school districts, consolidated county line school districts and rural high school districts; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

GREER, Vice-Chairman.

Committee Room,

Austin, Texas, March 1, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 292, A bill to be entitled "An Act to amend Art. 2832, Title 49, of the Revised Civil Statutes of 1925, as amended by Senate Bill 47, approved August 12, 1931, and repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

GREER, Vice-Chairman

Committee Room,

Austin, Texas, March 1, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 270, A bill to be entitled "An Act to amend Article 2655, Chapter 10, of the Revised Civil Statutes of the State of Texas, 1925, relating to the election, term of office, duties and qualifications of the State Superintendent of Public Instruction, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

GREER, Vice-Chairman.

THIRTY-FOURTH DAY.

Senate Chamber,
Austin, Texas,
March 2, 1933.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Edgar Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Beck. Neal.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix)

Committee Reports.

(See Appendix)

Bills and Resolutions.

By Senator Holbrook:

S. B. No. 363, A bill to be entitled "An Act authorizing the board of trustees of the public free schools of the State of Texas to make appropriations of funds and/or other property, heretofore donated or which may hereafter be donated to them and not heretofore appropriated for any specific purpose, and when the specific purpose of the donation has not been stated or pro-

vided for by the donor, for the purpose of creating, maintaining and establishing a retirement fund for the present and future superintendents, principals, supervisors, teachers and other regularly salaried employees of said schools, in their respective districts, and providing for the management and administration of said fund by the board of trustees in the respective districts, and providing for authority of the board of trustees to make compulsory deductions from the salaries of said superintendents, principals, supervisors, teachers and other regularly salaried employees of said schools, not to exceed three per centum thereof, for the purpose of maintaining said fund; and providing that said board of trustees shall prescribe and formulate rules and regulations under which said fund or other property shall be paid to said superintendents, principals, supervisors, teachers, and other regularly salaried employees, provided that no funds or other property derived by way of taxation shall ever be used for said purpose, and providing that if any part of this Act shall be declared unconstitutional such decision shall not affect the validity of the remaining portion of the act, and declaring an emergency."

Read and referred to Committee on Educational Affairs.

By Senator Holbrook.

S. B. No. 364, A bill to be entitled "An Act making an appropriation to pay balances due for the publishing of Senate Joint Resolution No. 26 and House Joint Resolution No. 1, passed by the Regular Session of the Forty-second Legislature and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Woodul, by request.

S. B. No. 365, A bill to be entitled "An Act amending Article 7150, Section 1, of the Revised Civil Statutes of 1925, of the State of Texas, as amended by Chapter 124, of the Acts of the Regular Session of the 42nd Legislature, by adding thereto a provision exempting property belonging to any benevolent, educational or charitable organization used exclusively and reasonably necessary for its educational work, from all taxes, and declaring an emergency."

Read and referred to Committee on State Affairs.